



DT14 Rec'd PCT/PTO 28 NOV 2003

Docket No.: 220243US0PCT

1600

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



RE: Application Serial No.: 10/088,074, which is previously indicated by the USPTO as
10/070,474

Applicants: Stephen ARKINSTALL, et al.

Filing Date: March 20, 2002

For: PHARMACEUTICALLY ACTIVE SULFONYL HYDRAZIDE DERIVATIVES

Group Art Unit:

Examiner:

SIR:

Attached hereto for filing are the following papers:

Petition for Withdrawal of Holding of Abandonment Based on

Timely Filed Responses Filed by Applicant;

Photocopies of Date-Stamped Filing Receipt of 07/22/02 + Papers Filed (including: PTO Cover Letter; Return Copy of Notification of Missing Requirements; Response and Statement;

Filing of Declaration under 37 C.F.R. 1.53(f); and

Duly Executed Declaration, Power of Attorney and Petition (6 pp.))

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APR 06 2004
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Our check in the amount of 0 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Registration No. 24,618

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Thomas W. Barnes III, Ph.D.
Registration No. 52,595



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,074	Stephen Arkinstall	220243US OPCT
		INTERNATIONAL APPLICATION NO.
		PCT/IB00/01381
		I.A. FILING DATE PRIORITY DATE
		09/28/2000 09/28/1999
CONFIRMATION NO. 7568		
371 FORMALITIES LETTER		
 *OC00000008133626*		

Date Mailed: 05/20/2002

Decl/Sig 4st 7-20-02

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

COPY

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

COPY

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,074	PCT/IB00/01381	220243US

220243US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Stephen ARKINSTALL, et al. :

SERIAL NO: 10/088,074, which is previously indicated by the USPTO as 10/070,474 :

FILED: March 20, 2002 :

FOR: PHARMACEUTICALLY ACTIVE SULFONYL HYDRAZIDE DERIVATIVES

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT BASED ON
TIMELY FILED RESPONSES FILED BY APPLICANT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

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APR 05 2004

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In accordance with the requirements of M.P.E.P. 711.03(c), Applicants petition to withdraw the holding of abandonment based on the timely filing of Responses filed by applicant, including 1) statement from the practitioner stating that although the Office Communication was received by the practitioner, the Office has indicated the case has been abandoned without considering the bona fide, good-faith Response filed July 22, 2003, a copy of the docket record indicating the timely receipt of Office Communication dated May 20, 2003, as well as a docket record indicating the timely filing of the Response thereto on May 20, 2003; and 3) copies of all documents timely filed in Response to the above-mentioned Office Communications, including date-stamped filing receipts demonstrating the timely filings thereof.

In response to the Notification of Missing Requirements from the Office dated May 20, 2003, providing Applicants two months without any necessary extension fees to respond

thereto, Applicants timely filed the enclosed documents on July 22, 2003, as indicated by the date-stamped filing receipt enclosed herewith. This filing is considered timely and a bona fide good faith Response thereto. Even if the Office does not consider the enclosed Response as timely, Applicants' petitioned and authorized the Office to charge a deposit account for any fees necessary under 37 CFR §1.136 for any necessary extensions of time as demonstrated by the enclosed documents. Accordingly, Applicants timely filed within the statutory time limit provided thereto.

Then, the Office sent Applicants' representative the enclosed copy of a Notification of Defective Response/Abandonment dated September 29, 2003, surprisingly indicating that the present Application. This is very surprising for the following reasons.

1.) The Response timely filed July 22, 2003, was a bona fide and good faith attempt to correct any missing requirements because Applicants respectfully submitted that no Sequence Listing is required to be filed in the present Application. No Sequence Listing was originally filed in the present application, nor is one required in the present application. The Office has mistakenly indicated that Applicants have originally filed a "Biochemical Sequence Listing" in the present application. Therefore, the Office has erroneously required a computer readable form Sequence Listing and Statement under 37 C.F.R. §1.821-1.825.

2.) The Response timely filed July 22, 2003, was a bona fide and good faith attempt to correct any missing requirements because Applicants timely provided the Office with a Declaration in compliance with 37 CFR 1.497(a)-(b).

3.) Even if the Response filed July 22, 2003, was not adequate, it truly was a bona fide and good faith attempt to respond to the Notice dated January 6, 2003, because attempted to explain to the Office that a Sequence Listing was not required and provide a Declaration in compliance with 37 CFR 1.497(a)-(b). Accordingly, even if the Response is deemed non-responsive, Applicants believe that they were afforded at least the right to be notified so as to file within the statutory time period granted by the Notice dated May 20, 2003, and 37 CFR §1.136. This opportunity appears to be taken from the Applicants for no apparent reason.

4) Even if the Response filed July 22, 2003, is not considered timely, Applicants' petitioned and authorized the Office to charge a deposit account for any fees necessary under 37 CFR §1.136 for any necessary extensions of time as demonstrated by the enclosed documents.

In light of the above, Applicants through counsel of record, respectfully request that any holding of abandonment for the above-identified application be withdrawn and that the Application immediately be examined on the merits.

The facts concerning this matter are as follows:

Upon receipt of Patent Office mail in this firm, all mail is opened and logged in a daily mail log, the due date entered in a manual docketing book and entered in the firm computer docketing system. At the time of entry into the computer, the serial numbers are checked to ensure that the correct docket number appears on the mail so that the documents are entered in the correct application in the computer and matched with the correct application file. Any due dates resulting from the Patent Office mail are also entered in the computer.

Upon being informed by the Office that the present application has been held in Abandonment, the computer was checked to determine the current status reflected therein (a hard copy of the record for the above-identified application is attached herewith). The computer Actions and Due Date section for the subject application did not show receipt of any Communications/Notices from the Office in addition to those summarized above, nor did it show a current due date for Responding to any Notices other than those that were timely filed as summarized above. The attached computer printout for this application is enclosed for the Office's convenience.

The application file was also pulled and both the front docketing section and the full contents of the file were reviewed. The application file docketing section showed no entry of a Notice was found to be in the file other than those summarized above that were timely responded thereto.

In light of the foregoing explanation and the attached computer printout submitted in support of this request, abandonment of this application is deemed unavoidable due to non-receipt of any additional Notices other than those summarized above that were timely responded thereto in a bona fide good faith manner, and the restoration of this application to

the pending files to be examined is earnestly solicited.

The undersigned petition declares further that all statements made herein of his own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of the Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon
Attorney of Record
Registration No.: 24,618

Thomas W. Barnes, III
Registration No.: 52,595



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APR 05 2004

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E
OSMM&N File No. 220243USOPCT

Dept.: CHEMICAL
By: NFO:JK:TWB:aps

Serial No. 10/070,474

In the matter of the Application of: Stephen ARKINSTALL, et al.

For: PHARMACEUTICALLY ACTIVE
SULFONYL HYDRAZIDE DERIVATIVES

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | | |
|--|------------------------|---|
| <input type="checkbox"/> pp. Specification | Claims/Formal Drawings | Sheets |
| and pages Application Data Sheet | | |
| <input checked="" type="checkbox"/> Combined Declaration, Petition & Power of Attorney | | 6 pages (executed) |
| <input checked="" type="checkbox"/> Filing of Declaration Under 37 CFR 1.53(f) | | |
| <input type="checkbox"/> Utility Patent Application Transmittal | | <input type="checkbox"/> CPA |
| <input type="checkbox"/> Notice of Priority | | <input type="checkbox"/> Priority Doc |
| <input type="checkbox"/> Check for | | <input checked="" type="checkbox"/> Dep. Acct. Order Form |
| <input type="checkbox"/> Fee Transmittal Form | | |
| <input type="checkbox"/> Assignment/PTO 1595 pages: | | |
| <input type="checkbox"/> Letter to Official Draftsman | | |
| <input type="checkbox"/> Letter Requesting Approval of Drawing Changes | | |
| <input type="checkbox"/> Formal Drawings sheets <input type="checkbox"/> Formal | | |
| <input checked="" type="checkbox"/> PTO Cover Letter | | |
| <input checked="" type="checkbox"/> Response and Statement (2 pp.) | | <input type="checkbox"/> PTO-1449 |
| <input type="checkbox"/> Information Disclosure Statement | | |
| <input checked="" type="checkbox"/> Return Copy - Notification of Missing Requirements | | |
| <input type="checkbox"/> Search Report | | <input type="checkbox"/> Cited Pending Applications |
| <input type="checkbox"/> Statement of Relevancy | | |
| <input type="checkbox"/> IDS/Related/List of Related Cases | | |
| <input type="checkbox"/> Restriction Response | | <input type="checkbox"/> Election Response |
| <input type="checkbox"/> Small Entity Status is Claimed | | |
| <input type="checkbox"/> | | |
| <input type="checkbox"/> | | |



Due Date: July 20, 2002

COPY

Docket No. 220243US0PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Stephen ARKINSTAEL, et al.

SERIAL NUMBER: 10/070,474

ATTN: APPLICATION BRANCH

FILING DATE: March 20, 2002

FOR: PHARMACEUTICALLY ACTIVE SULFONYL HYDRAZIDE DERIVATIVES

FILING OF DECLARATION UNDER 37 CFR 1.53(f)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

COPY

SIR:

Responsive to the notification dated May 20, 2002, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Rule 63 Declaration. The required fee was paid at the time of filing the application.

The Declaration enclosed herewith contains the Title of the Invention and Inventor(s) name(s) and is believed, in combination with the application serial number and filing date contained in this cover letter, to adequately identify the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/98)

Norman F. Oblon
Attorney of Record
Registration No. 24,618

James J. Kelly, Ph.D.
Registration No. 24,618

Declaration, Power of Attorney and Petition

Page 1 of 4

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PHARMACEUTICALLY ACTIVE SULFONYL HYDRAZIDE DERIVATIVES

the specification of which

- is attached hereto.
- was filed on _____ as
Application Serial No. _____
and amended on _____.
- was filed as PCT international application
Number PCT/IB00/01381
on September 28, 2000,
and was amended under PCT Article 19
on _____ (if applicable).

COPY

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed
99810870.8	Europe	28 September 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

10/01

We (I) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.



Application Serial No.

Filing Date

PCT/IB00/01381

28 September 2000

And we (I) hereby appoint the following registered practitioner(s):



22850

as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to



22850

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Stephen ARKINSTALL

NAME OF FIRST SOLE INVENTOR

Signature of Inventor

Date

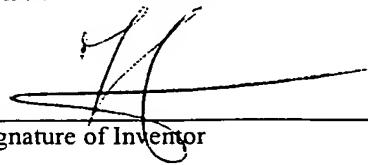
Residence: La Bergerie/Les Goths, F-74350

Cruseilles, FRANCE

Citizen of: Great Britain

Mailing Address: Same as Above

Serge HALAZY
NAME OF SECOND JOINT INVENTOR



Signature of Inventor

Date May 2, 2002

Dennis CHURCH
NAME OF THIRD JOINT INVENTOR



Signature of Inventor

Date 1/11/02

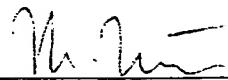
Montserrat CAMPS
NAME OF FOURTH JOINT INVENTOR



Signature of Inventor

Date 30/04/02 Geneve

Thomas RUECKLE
NAME OF FIFTH JOINT INVENTOR



Signature of Inventor

Date 31/04/02 Geneve

Residence: 3, allee des Jonquilles, F-74100

Vetraz-Monthoux, FRANCE

Citizen of: France

Mailing Address: Same as Above



Residence: 4, chemin des Vignes, CH-1291

Commugny, SWITZERLAND

Citizen of: United States of America

Mailing Address: Same as Above

Residence: 7, chemin du Pre-Colomb, CH-1290

Versoix, SWITZERLAND

Citizen of: Spain

Mailing Address: Same as Above

Residence: 142A, route de St. Julien, CH-1228

Plan-les-Ouates, SWITZERLAND

Citizen of: Germany

Mailing Address: Same as Above

Jean-Pierre GOTTELAND
NAME OF SIXTH JOINT INVENTOR



Signature of Inventor

30/04/02
Date

Marco BIAMONTE
NAME OF SEVENTH JOINT INVENTOR

Signature of Inventor

Date

NAME OF EIGHTH JOINT INVENTOR

Signature of Inventor

Date

NAME OF NINTH JOINT INVENTOR

Signature of Inventor

Date

Residence: 423, chemin des Crets, F-74160

Beaumont, FRANCE

Citizen of: France

Mailing Address: Same as Above

COPY

Residence: 13, rue St. Joseph, CH-1227 Carouge
SWITZERLAND

Citizen of: United States of America

Mailing Address: Same as Above

Residence: _____

Citizen of: _____

Mailing Address: _____

Residence: _____

Citizen of: _____

Mailing Address: _____

Jean-Pierre GOTTELAND
NAME OF SIXTH JOINT INVENTOR

Signature of Inventor

Date

Marco BIAMONTE
NAME OF SEVENTH JOINT INVENTOR

Signature of Inventor

May 24th 2002
Date

NAME OF EIGHTH JOINT INVENTOR

Signature of Inventor

Date

NAME OF NINTH JOINT INVENTOR

Signature of Inventor

Date

Residence: 423, chemin des Crets, F-74160

Beaumont, FRANCE

Citizen of: France

Mailing Address: Same as Above

COPY

Residence: Flore Terrace, Apt. 203
San Diego, CA 92122 - USA

Citizen of: United States of America

Mailing Address: Same as Above

Residence:

Citizen of:

Mailing Address:

Residence:

Citizen of:

Mailing Address:

We (I) hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)	
(Application Number)	(Filing Date)	
We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.		
Application Serial No.	Filing Date	COPY Status (pending, patented, abandoned)
PCT/IB00/01381	28 September 2000	

And we (I) hereby appoint the following registered practitioner(s):



22850

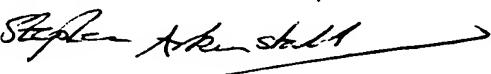
as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to



22850

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Stephen ARKINSTALL
NAME OF FIRST SOLE INVENTOR


Signature of Inventor

13 May 2002
Date

Residence: 31 Marsh Street - Belmont
02478 MA - USA

Citizen of: Great Britain
Mailing Address: Same as Above

220243US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Stephen ARKINSTALL, et al. :

SERIAL NO: 10/070,474 :

FILED: March 20, 2002 :

FOR: PHARMACEUTICALLY ACTIVE SULFONYL HYDRAZIDE DERIVATIVES

RESPONSE TO NOTICE

COPY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Responsive to the Notice dated May 20, 2002, Applicants submit herewith a Declaration in compliance with 37 C.F.R. §1.497 and the following Response To Notice.

REMARKS

Claims 1-27 are active in the present application. Favorable consideration is respectfully requested.

Applicants respectfully submit that no Sequence Listing is required to be filed in the present Application. No Sequence Listing was originally filed in the present application, nor is one required in the present application. The Office has mistakenly indicated that Applicants have originally filed a "Biochemical Sequence Listing" in the present application. Therefore, the Office has erroneously required a computer readable form Sequence Listing and Statement under 37 C.F.R. §1.821-1.825. Accordingly, Applicants respectfully request

that the requirement to file a computer readable form Sequence Listing and a Statement in the Notice of May 20, 2002, be withdrawn.

In addition, Applicants timely file herewith the Declaration in compliance with 37 C.F.R. §1.497.

Applicants submit that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

COPY

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon
Attorney of Record
Registration No. 24,618

James J. Kelly, Ph.D.
Registration No.: 41,504



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